

SO ORDERED.



UNITED STATES BANKRUPTCY COURT
Dated: May 13, 2019
FOR THE DISTRICT OF ARIZONA

Minute Entry Order

Madeleine C. Wanslee
Madeleine C. Wanslee, Bankruptcy Judge

Hearing Information:

Debtor: GILBERT HOSPITAL, LLC
Case Number: 2:14-BK-01451-MCW Chapter: 11
Date / Time / Room: TUESDAY, MAY 07, 2019 02:30 PM 7TH FLOOR #702
Bankruptcy Judge: MADELEINE C. WANSLEE
Courtroom Clerk: CHRISTINA JOHNSON
Reporter / ECR: MICHELLE RADICKE-STEVENSON

Matter:

CONTINUED HEARING ON GH TRUST'S MOTION TO APPROVE PURCHASE AGREEMENT FOR SALE OF CERTAIN CLAIMS HELD BY THE GILBERT HOSPITAL UNSECURED CREDITORS ' TRUST NOT IN THE ORDINARY COURSE AND FOR RELATED RELIEF
R / M #: 2,151 / 0

Appearances:

CHRISTOPHER SIMPSON, ATTORNEY FOR GILBERT HOSPITAL UNSECURED CREDITORS TRUST
STEPHEN DICHTER/LON JOHNSON/JILL ANN HERMAN, ATTORNEYS FOR DENNIS RUTHERFORD AND LOUIS SCHROEDER

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Proceedings:

Mr. Simpson stated the parties have agreed on a price to settle the claims. He agreed there is no application to sell because there is a settlement in adversary proceeding 18-ap-307.

Mr. Dichter stated his position and clarified that the parties' settlement covers Dennis Rutherford, Bryan Hargis, and Lou Schroeder. He requested that the order at docket #11 in the adversary proceeding 18-ap-307 be extended to allow for the use of policy funds to pay the settlement, which the parties stipulate to.

Ms. Herman clarified that the parties' settlement also covers Alphonse Ambrosia, Robert Mead, Bryan McCormick, Bradley Newswander, and Muhammad Salim.

Mr. Simpson suggested the parties file a stipulation to dismiss adversary proceeding 18-ap-307 that would incorporate, as an attachment, the global release as discussed.

The court notes the parties have an agreement on the record. The court will memorialize for the record the binding agreement so it is clear what will happen next.

COURT: THERE IS A SETTLEMENT AND AGREEMENT TO RESOLVE PENDING ADVERSARY PROCEEDING 18-AP-307 FOR THE NAMED DEFENDANTS AND OTHER PUNITIVE DEFENDANTS FOR THE TOTAL SUM OF \$12,500.00. THE ADVERSARY PROCEEDING WILL BE DISMISSED AND WILL BE EFFECTIVE AS TO THE FOLLOWING EIGHT DEFENDANTS; DEFENDANTS RUTHERFORD, SCHROEDER, HARGIS, NEWSWANDER, MEAD, SALIM, AMBROSIA, AND MCCORMICK. THE SETTLEMENT WILL INCLUDE A GENERAL RELEASE OF ALL PARTIES. THE SETTLEMENT PROCEEDS OF \$12,500.00 WILL MOST LIKELY BE PAID FROM THE FUNDS PREVIOUSLY DISCUSSED AT DOCKET #11. UPON PAYMENT OF THOSE SUMS, THE PARTIES HAVE STIPULATED AND AGREED THAT THE ADVERSARY PROCEEDING WILL BE DISMISSED WITH PREJUDICE, AND ALL MATTERS WILL BE CONSIDERED CONCLUDED AND RESOLVED.

Mr. Dichter agreed to the terms as stated on the record.

Mr. Simpson agreed to the terms as stated on the record.

COURT: THIS IS A BINDING AGREEMENT AMONG ALL PARTIES. THIS IS THE ORDER OF THE COURT AND THE COURT WILL SIGN THIS MINUTE ENTRY AS A MEMORIALIZATION OF THE PARTIES' SETTLEMENT. THE PARTIES MAY PROCURE A MORE FORMAL ORDER IF THEY WISH. THE COURT WILL LOOK FOR A STIPULATION DISMISSING ADVERSARY PROCEEDING 2:18-AP-307 WITH PREJUDICE. IT IS FURTHER ORDERED SETTING A BACK-UP HEARING IN ADVERSARY PROCEEDING 2:18-AP-307 FOR JULY 2, 2019 AT 10:00 AM, SUBJECT TO BEING VACATED WITH THE PARTIES' STIPULATION FOR DISMISSAL.

THE COURT WILL CONSIDER THE TRUSTEE'S APPLICATION TO SELL DENIED AS MOOT SINCE THERE IS A BINDING SETTLEMENT AGREEMENT ON THE RECORD.

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HONORABLE MADELEINE C. WANSLEE
DATED AND SIGNED ABOVE